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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. Patent Application of Pitha, et al.

USSN 09/950,052

Filed: September 12, 2001

Title: MIMICKING THE METABOLIC EFFECTS OF CALORIC RESTRICTION BY
ADMINISTRATION OF GLUCOSE ANTIMETABOLITES

Letter Resubmitting Documents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto are the following documents:

An amendment under 37 CFR 1.48(a)

A Statement under 37 CFR 1.48(a)

A Petition under 37 CFR 1.48(a)

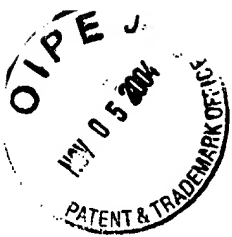
An Assignee Consent to Petition under CFR 1.48(a)

A Declaration with the signatures of the inventors being added

These documents were previously mailed to the Patent and Trademark Office. However, no return postcard has been received and it is noted that the fee for the petition has not been charged to the undersigned's account. Attached hereto is a check in the amount of \$130.00. The commissioner is authorized to debit Deposit Account 08-1652 in any additional amounts required to fully pay all fees or to credit any over-payment to said account.

Respectfully submitted,

Glenna Hendricks, Reg. No. 32,535



Case Pitha/Roth
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of Pitha, et al. :
Serial No. 09/950,052 : Group Art Unit 1651
Filed September 12, 2001 : Examiner: Gitomer
For: MIMICKING THE METABOLIC EFFECTS OF CALORIC RESTRICTION
BY ADMINISTRATION OF GLUCOSE ANTIMETABOLITES

PETITION UNDER 37 CFR 1.48(a)

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests that the inventorship of the cited application be amended to recited, in addition to inventors Joseph Pitha and George Roth, the names of Michael Hayek, Stefan Massimino and Michael Ceddia. Attached hereto are the following:

An Assignee Consent to Petition


An Amendment Under 37 CFR 148(a)

Statement of Lack of Deceptive Intent by the inventors

Declaration containing the signatures of inventors Hayek, Massimino and Ceddia.

A Permit to Debit Account.

Respectfully submitted,



Glenna Hendricks, Reg. No. 32,535



Case Pitha/Roth

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of Pitha, et al. :
Serial No. 09/950,052 : Group Art Unit 1651
Filed September 12, 2001 : Examiner: Gitomer
For: MIMICKING THE METABOLIC EFFECTS OF CALORIC RESTRICTION BY
ADMINISTRATION OF GLUCOSE ANTIMETABOLITES

AMENDMENT UNDER 37 CFR 1.48(a)

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This amendment is being filed to add an inventor. Please amend the specification of the above-identified patent application at page 1:

APPLICATION FOR LETTERS PATENT

Title: MIMICKING THE METABOLIC EFFECTS OF CALORIC RESTRICTION
BY ADMINISTRATION OF GLUCOSE ANTIMETABOLITES

~~Inventor:~~ Inventors: Josef Pitha, and George Roth, Michael Hayek,
Stefan Massimino and Michael Ceddia

Background—Cross-Reference to Related Applications

This is a continuation-in-part of the application
Ser. No. 08/889,877 filed July 8, 1997, now pending.

Field of the Invention:

This invention relates to the use of glucose anti-metabolites to alter utilization of glucose or other energy sources and to mimic metabolic effects of caloric restriction.

Background of the Invention:

Biological theories correctly predict the finding that a restriction of caloric intake by food deprivation slows down certain undesirable cellular processes in laboratory animals. It is also known that hyperinsulinemia is a risk factor associated with several disease processes, including heart disease and diabetes (Balkau and Eschwege. Diabetes Obes. Metab. 1 (Suppl 1): S23-31, 1999). The avoidance of hyperinsulinemia should be a goal for treatment of many individuals.

Glucose anti-metabolites such as 2 deoxy-D-glucose are compounds related to glucose. However, due to structural differences from glucose such compounds block or inhibit certain aspects of carbohydrate metabolism (Rezek, et al., J. Nutr. 106:143-157, 1972). These anti-metabolites exert a number of physiological effects, including reduction of body weight,

REMARKS

The Specification has been amended to correct the non-joinder of inventors Michael Hayek, Stefan Massimino and Michael Ceddia, in the above application. Thus, the actual inventors in the above-identified application are Josef Pitha, George Roth, Michael Hayek, Stefan massimino and Michael Ceddia.


The enclosed Statement of inventors Roth and Pitha, Declaration, Written Consent of the Assignee, and Petition to the Commissioner to permit the correction of inventorship, as required by 37 CFR 1.48(a) are being filed concurrently.

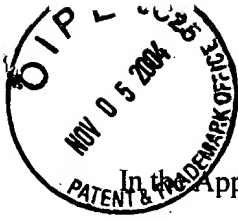
CONCLUSION

Applicants and Applicants' Assignee respectfully request that the amendment to the present application be entered and inventorship corrected.

Respectfully submitted,

Date: October 21, 2004

By 
Glenna Hendricks
Attorney/Agent for Applicant(s)
Registration No. 32,535



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of Pitha, et al.

Serial No. 09/950,052

: Group Art Unit

Filed September 12, 2001

: Examiner:

For: MIMICKING THE METABOLIC EFFECTS OF CALORIC RESTRICTION BY
ADMINISTRATION OF GLUCOSE ANTIMETABOLITES

STATEMENT OF LACK OF DECEPTIVE INTENTION FROM ADDED INVENTOR
PURSUANT TO 37 CFR 1.48(a)

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, Josef Pitha and George Roth, hereby declare that:

1. The invention described and named in the design patent application Serial No. 09/950,052, filed on September 12, 2001, was developed in part by Michael Hayek, Stefan Massimino and Michael Ceddia all of whom collaborated during the conception of the design disclosed and claimed in the above-identified patent application.

2. The inventorship error occurred without deceptive intention on my part.

I hereby further declare that all statements made herein are of my own knowledge and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further Declarant sayeth not.

Josef Pitha
Josef Pitha

July 29, 2004
Date

George Roth
George Roth

7/30/2004
Date

18 U.S.C. §1001 Statements or Entries Generally

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or

device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry shall be fined not more than \$10,000 or imprisoned not more than five years, or both.



Case

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of Pitha, et al. :
Serial No. 09/950,052 : Group Art Unit 1651
Filed September 12, 2001 : Examiner: Gitomer

For: MIMICKING THE METABOLIC EFFECTS OF CALORIC RESTRICTION BY
ADMINISTRATION OF GLUCOSE ANTIMETABOLITES

**ASSIGNEE CONSENT TO PETITION UNDER 37 CFR 1.48(a)
TO CORRECT INVENTORSHIP**

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450


Dear Sir:

The Applicants' assignees, GeroTech, Inc. and Iams Company, consent to Applicants' Petition under 37 CFR 1.48(a) seeking addition of Michael Hayek, Stefan Massimino and Michael Ceddia as co-inventors on the above-identified application.

Petitioners, GeroTech, Inc and Iams Company, are the owners of the entire right, title and interest in the above-identified application.

The undersigned is empowered to act on behalf of the assignee.

Respectfully submitted,

By 
Glenna Hendricks
Attorney for Applicant(s)
Registration No. 32,535
Tel. No. 703 425 8405

COMBINED DECLARATION AND POWER OF ATTORNEY

As below named inventor(s) we hereby declare that:

We believe we are the original first and joint inventor(s) of the subject matter which is claimed and for which a patent is sought, on the invention entitled: "MIMICKING THE METABOLIC EFFECTS OF CALORIC RESTRICTION BY ADMINISTRATION OF GLUCOSE ANTI-METABOLITES", the specification of which was filed on September 12, 2001 and was assigned U.S. Application Serial No. 09/950,052.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 CFR 1.56(a).

I (We) hereby claim the benefit under 35 U.S.C. 120 of any United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. 112, my (our) acknowledge the duty to disclose material information as defined in 37 CFR 1.56(a) which occurred between the filing date of the prior application and the filing date of this application:

USSN 08/889,877, filed 7/08/97, now abandoned.

We hereby appoint the following attorneys and agents, with full power of substitution, association, and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Glenna Hendricks, Reg. No. 32,535

Address all correspondence and telephone calls to:

Glenna Hendricks

P.O. Box 2509

Fairfax, VA 22031-2509

Telephone (703) 425-8405

We hereby further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Josef Pitha
Citizen of the U.S.A.

Inventor's signature

date

5809 Nicholson Lane, #1405, Rockville, MD 20852
Home Address, which is also a mailing address

George Roth
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1124 Ridge Road, Pylesville, Maryland 21132
Home Address, which is also a mailing address

Michael G. Hayek Michael G. Hayek 7/19/04
Citizen of USA Inventor's signature date

926 Tammy Circle, Dayton, OH 45415
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Stefan Patrick Massimino [Signature] 7/19/04
Citizen of Canada Inventor's signature date

1112 Larrivood Avenue, Kettering, OH 45429
Home Address, which is also a mailing address

Michael a. Ceddia Inventor's signature date
Citizen of _____

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